

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JOHN B. KERN,

Defendant.

1:18-mc-479-AT

**[PROPOSED] ORDER TO SHOW CAUSE ISSUED UPON THE APPLICATION OF
THE SECURITIES AND EXCHANGE COMMISSION FOR A DEFAULT JUDGMENT**

Upon the Application of the Securities and Exchange Commission (the “Commission”) for a default judgment pursuant to Section 209(d) of the Investment Advisers Act of 1940 (“Advisers Act”), 15 U.S.C. § 80b-9(d), Federal Rule of Civil Procedure 55 and Local Rules 55.1 and 55.2, directing Kern to pay disgorgement in the amount of \$234,577, prejudgment interest of \$8,920 and a civil penalty of \$100,000, and upon the Declaration of Maureen Peyton King, and it appearing that an Order to Show Cause should issue, it is hereby:

ORDERED, that the parties shall appear at a hearing to be held before the Hon. Analisa Torres, United States District Judge, at the D.P. Moynihan United States Courthouse, Courtroom 15D, 500 Pearl Street, New York, New York at _____ on _____, 2019, to show cause why the Commission’s Application should not be granted.

SO ORDERED.

Dated: _____, New York
_____, 2019

UNITED STATES DISTRICT JUDGE